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Newsletter

FOI | Privacy | Information security

January/February 2026

In this issue

- [Privacy Awareness Week 2026 - sign up to be a supporter!](#)
- [Victorian Privacy Network meeting](#)
- [Data Privacy Day](#)
- [Case study: security and privacy of online forms](#)
- [Preliminary Inquiry: use of AI detection tools in Higher Education](#)
- [Join the Public Access Network!](#)
- [FOI Act: Professional Standards Review update](#)
- [OVIC's FOI performance data](#)
- [Protective Data Security Plans](#)
- [VPDSS Implementation Guidance V2.4](#)
- [Safer Internet Day](#)
- [Upcoming events](#)
- [Latest FOI review and VCAT decisions](#)



Privacy

Privacy Awareness Week 2026 - sign up to be a supporter!

Privacy Awareness Week is celebrated every year to raise awareness of privacy rights and the importance of good privacy practices. This year, OVIC will celebrate PAW from 4-10 May.

OVIC will be hosting events and publishing helpful tips and guidance related to this year's theme, *Smart Tech, Smarter Choices: Protecting your privacy in the age of AI*.

To get first access, visit our dedicated PAW webpage below and register your email address.

[Sign up to be a PAW supporter](#)

Victorian Privacy Network meeting

OVIC invites you to attend the first Victorian Privacy Network (VPN) meeting for 2026 on Tuesday 10 March.

We're currently finalising our agenda, and will have a list of speakers and topics available soon.

In the meantime, you can register your attendance below.

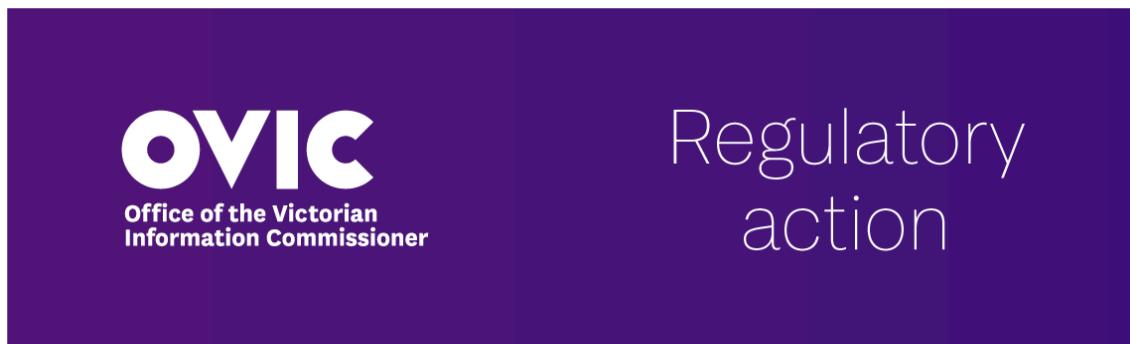
[Register to attend](#)

Data Privacy Day

OVIC celebrated Data Privacy Day on 28 January with a series on LinkedIn to promote good data privacy practices within government organisations, and helpful tips for the public on how to take control of your data.

You can still catch up on our campaign via the OVIC LinkedIn page.

[Visit the OVIC LinkedIn page](#)



Case study: security and privacy of online forms

OVIC has published a case study outlining the information and security implications of a Victorian public sector organisation's online complaint not being configured and/or tested correctly. The incident involved an online form accidentally leaking information from one complainant's completed form to a subsequent user's form.

The case study outlines what happened, how it happened, how it was fixed, and important lessons for other public sector organisations who use any type of online form to collect personal or sensitive information from their stakeholders.

[Read the case study](#)

Preliminary Inquiry: Use of AI detection tools in Higher Education

In November 2025, OVIC commenced a preliminary inquiry into the use of Turnitin's Artificial Intelligence (AI) detection tool by Victorian Universities.

Turnitin is a popular tool used by universities for the purpose of identifying plagiarism or collusion in student coursework. In 2023, Turnitin introduced a separate tool which uses AI to detect the use of AI tools, such as ChatGPT, in coursework submitted by students.

During the preliminary inquiry, 3 universities confirmed they currently use Turnitin's AI detection Tool to identify potential AI generated coursework. However, one university confirmed they would be deactivating the AI detection tool in 2026.

These 3 universities explained any detection of potential AI use in student coursework by the tool prompted "further scrutiny" by staff and was not used to "as definitive proof of misconduct."

The preliminary inquiry identified the following:

- The AI detection tool collects personal information including staff personal information (ID numbers, email addresses) and student personal information (Names, ID Numbers, University email addresses).
- In certain circumstances, the content of the assignment was also personal information about the students.
- Notice of collection was provided to staff and students, however these did not always specifically acknowledge the use of Turnitin's AI detection tool.
- Universities have contractual arrangements with Turnitin to ensure personal information is handled in accordance with the IPPs, including when it is transferred outside of Victoria.

The rapid emergence of AI solutions increases the important of thinking about privacy first when implementing a new practice. Before engaging with third parties, VPS agencies should conduct a risk assessment or Privacy Impact Assessment to understand and mitigate risks to personal information. Agencies should also review their collection notices to ensure they are sufficiently and clearly explaining the details required by IPP 1.3.



Join the Public Access Network!

OVIC has created a new network for Freedom of Information professionals!

The Public Access Network delivers the latest information about FOI in Victoria, directly to your inbox.

Through the network, you can receive the latest news, event invitations and resources from OVIC.

We invite Victorian Public Sector employees who work or have an interest in FOI to sign up to the network.

[Sign up for the Public Access Network](#)

FOI Act: Professional Standards Review update

Pursuant to section 6X of the Freedom of Information Act 1982 (Vic) (the Act), the Information Commissioner must review the Standards at least once every four years. In 2024, OVIC engaged an external consultant to undertake an independent review of the Standards.

On 23 August 2024, [KPMG provided OVIC with its final report](#), making 27

and interested parties on the draft Standards.

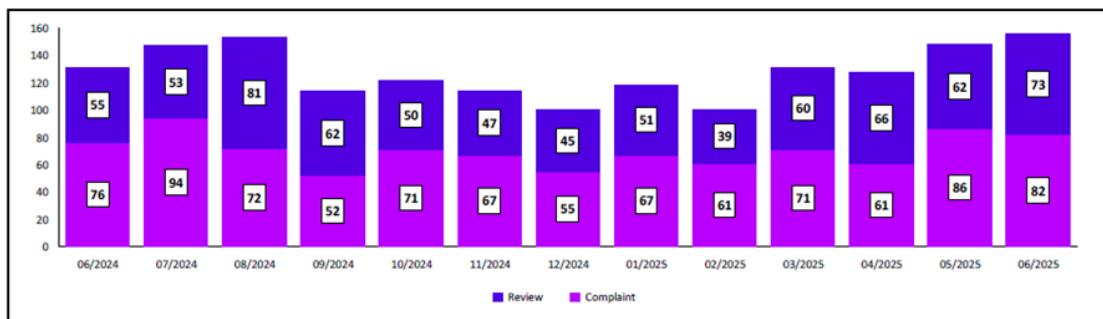
The updated Standards will be published in 2026, and will come into effect on 1 July 2026.

[Read more about the Professional Standards](#)

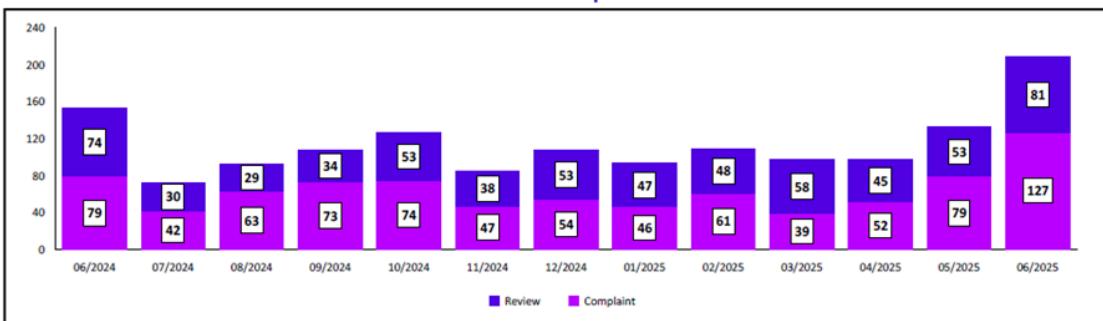
OVIC's FOI performance data

OVIC will now be publishing our FOI performance data, starting in this month's newsletter.

Total Public Access Reviews and Complaints Received



Reviews and Complaints Closed



- 88.6% Reviews closed within 365 days
- 95.1% complaints closed within 365 days



Information Security

Protective Data Security Plans are due to OVIC in 2026

For Victorian Public Sector organisations:

On 23 January 2026, OVIC wrote to Victorian Public Sector (**VPS**) organisations subject to Part 4 of the *Privacy and Data Protection Act 2014* (Vic) to advise them of their upcoming reporting obligations.

Organisations are required to submit a 2026 Protective Data Security Plan (**PDSP**), including an Attestation signed by the public sector body Head to OVIC between 1 July 2026 and 31 August 2026.

This PDSP documents the development of an information security program that addresses the protection of public sector information.

To download a copy of the 2026 | OVIC Single Organisation Protective Data Security Plan **PDSP form**, please [click here](#).

Organisations completing a PDSP in 2026 should read the accompanying **VPS How-To Guide: Completing the Protective Data Security Plan 2026** by [clicking here](#).

For Class B Cemetery Trusts

In Victoria there are over 400 Class B Cemetery Trusts managed by community members, often in a voluntary capacity, that manage public cemeteries and deliver services with care and compassion.

To address the unique governance arrangements and challenges that Class B Cemeteries face, OVIC has drafted bespoke reporting requirements and forms.

To access a copy of the 2026 | *Class B Cemetery Trust Protective Data Security Plan* [click here](#).

Class B Cemetery Trusts completing a PDSP in 2026 should read the accompanying *2026 How-to Guide: Protective Data Security Plan for Class B*

For Committees of Management of Crown Land Reserves

In Victoria there are over 1,500 Crown land reserves (also referred to as public land reserves) managed by approximately 1,125 voluntary committees of management (CoMs) appointed as land managers under the *Crown Land (Reserves) Management Act 1978 (Vic)* (CLRA).

It is OVIC's position that CoMs under the CLRA are considered to be public entities for the purposes of the *Public Administration Act 2004 (Vic)* and therefore are subject to Part 4 of the *Privacy and Data Protection Act 2014 (Vic)*.

To address the unique governance arrangements and challenges that volunteer CoMs face, OVIC has drafted bespoke reporting requirements and forms.

To access a copy of the *2026 Committee of Management of Crown land reserves Protective Data Security Plan*, [click here](#).

CoMs should read the accompanying *2026 How-to Guide: Protective Data Security Plan for CoMs* by [clicking here](#).

Events to help you prepare for the 2026 Protective Data Security Plan

OVIC is hosting a two online events to help assist you in preparing your upcoming Protective Data Security Plan (PDSP).

If you are from the VPS, we invite you to attend our [VISN forum](#) on 17 February. Those from Class B Cemetery Trusts or Committees of Management should attend our [information session](#) on 24 February.

Both of these events will be held online via Microsoft Teams, with dedicated Q&A time scheduled with members of the OVIC Information Security Unit to answer any questions you may have about this years' PDSP cycle.

V2.4

OVIC's Information Security Unit has recently released an updated version of the Victorian Protective Data Security Standards Implementation Guidance V2.4.

To read the updated guide, visit our [website](#).

Safer Internet Day

Safer Internet Day takes place on the 10th of February 2026 and is an opportunity to take a moment to talk about what's really happening online and think about what we can each do.

The event marks a global day of action to bring communities, schools, organisations and families from 180 countries together to raise awareness of online safety issues and work towards a safer internet.

In Australia, the eSafety Commissioner leads the day. To find out more, visit the eSafety Commissioner's [website](#).



Events

Victorian Privacy Network meeting

OVIC the first Victorian Privacy Network (VPN) meeting for 2026 on Tuesday 10 March.

We're currently finalising our agenda, and will have a list of speakers and topics

In the meantime, you can register your attendance below.

Key details

When: Tuesday 10 March 2026

Time: 10:00am – 11:30am AEDT

Where: Online - Microsoft Teams

[Register to attend here](#)

VISN forum: Victorian Public Sector - Preparing for the 2026 Protective Data Security Plan

OVIC invites you to the first Victorian Information Security Network (VISN) event for 2026. During the online forum, OVIC's Information Security Unit will:

- provide a deep dive into the updated 2026 Protective Data Security Plan (PDSP) form
- highlight changes to the 2026 How-to Guide: Completing the PDSP
- promote the release of the VPDSS Implementation Guidance V2.4
- answer questions regarding reporting in 2026.

The ISU will be using Microsoft Teams Q&A and chat features to address any comments or questions from the audience.

Register your attendance now!

Key details

When: Tuesday 17 February 2026

Time: 10:30am – 12:00pm AEDT

Where: Online - Microsoft Teams

[Register to attend here](#)

Security Plan – Class B Cemetery Trusts & Committees of Management

OVIC invites all members from Class B Cemetery Trusts and Committees of Management of Crown Land Reserves to join us for a session to help prepare for the upcoming submission of a Protective Data Security Plan (**PDSP**) to OVIC. The session will take place online on 24 February 2026, where OVIC's Information Security Unit will:

- introduce who OVIC are and what we do
- highlight why a PDSP is required
- discuss the 2026 PDSP form
- explain how to complete the PDSP, and
- answer questions regarding reporting in 2026.

This session will be held online using Microsoft Teams where you will be able to ask OVIC questions about this reporting cycle.

Register your attendance now!

Key details

When: Tuesday 24 February 2026

Time: 10:30am – 12:00pm AEDT

Where: Online - Microsoft Teams

[Register to attend here](#)

We offer free monthly training webinars for Victorian public sector staff on freedom of information and privacy in Victoria. The training calendar for the 2024/25 financial year is now available for signup on the OVIC website.

See below for the next available sessions.

Please note this training is for Victorian Public Sector (VPS) and organisations with obligations under the PDP Act and the FOI Act. You may be contacted to confirm your agency prior to this training.

Introduction to Information Privacy and the Privacy and Data

Protection Act 2014 (PDP Act) - April

Introduction to Information Privacy and the Privacy and Data Protection Act 2014 (PDP Act) looks at interpreting information privacy and the Act, whilst also providing public sector employees with a detailed understanding of each stage of the information lifecycle.

Key details

When: Wednesday 22 April, 2026 (Module 1-3)

Time: 10:00am - 3:30pm AEST

Where: Online

Audience: Victorian public sector (**VPS**) staff only

[Click here to register your attendance.](#)

Administering the Freedom of Information Act 1982 (Vic) (FOI Act) –

May

The Administering of the Freedom of Information Act 1982 (Vic) (FOI Act) webinar has been developed to provide VPS employees with a general understanding of the FOI Act and guide them through how to process a request. These sessions include live chats, polls and surveys to enhance the interactivity and ensure positive learning outcomes.

Key details

When: Module 1 & 2: Tuesday 19 May | Module 3 & 4: Thursday 21 May, 2026

Time: 10:00am - 1:30pm AEST

Where: Online

Audience: Victorian public sector (**VPS**) staff only

[Click here to register your attendance.](#)

Latest OVIC FOI review decisions

OVIC publishes de-identified decisions made by the Information Commissioner and Public Access Deputy Commissioner under the FOI Act on our website and via Australasian Legal Information Institute (**AustLII**). We currently have over [830 decisions published on our website.](#)

'GD6' and Moonee Valley City Council (Freedom of Information) [2025] VICmr 95 (16 October 2025)

This review concerned 2 letters that the Agency exempted from release under the FOI Act under section 32(1) of the FOI Act.

Document 1 was a letter containing legal advice between a third party and their lawyer. The Public Access Deputy Commissioner (**PADC**) found that while there was a lawyer-client relationship between the third party and their lawyer, privilege had been waived by reason that the legal advice provided to the third party was subsequently provided to the Agency.

Document 2 was a letter from the third party's lawyer to the Agency. The PADC found there was no lawyer-client relationship between the Agency and the lawyer acting for the third party.

Both documents, therefore, were found not to be exempt from release under section 32(1) of the FOI Act as they were not subject to legal privilege.

The PADC considered whether the letters were exempt from release under section 34(1)(b) of the FOI Act. The PADC accepted that both the third party and their lawyers were engaged in trade and commerce. The third party's lawyers were providing legal services on behalf of their client, the third party. The third party was a commercial undertaking, and the letters concerned their trade and commerce activities under the planning permit for the premises.

to disadvantage, having considered the following:

- The information was tailored to the specific circumstances of the third party's venue, therefore, its release won't cause substantial harm to the venue's lawyers.
- The letters did not include commercially sensitive information that other venues could use to the third party's disadvantage.
- Other law firms would not be able to use the information to engage in destructive competition with the third party's lawyers.
- Competitors of both parties would not have access to the information.
- The information would most likely be exempt under section 32(1) if it were generated by the Agency; however, this would only be the case if the lawyers were acting for the Agency.
- The letters could impact the public's perception of the venue's compliance with the permit conditions, without full context. However, it was unlikely that disclosure would impact its business operations.
- The letters concerned planning permit and enforcement activities.
- It was reasonably likely that both parties would object to disclosure of the documents.

Accordingly, the letters were not exempt from release under the FOI Act.

'GF9' and South Gippsland Shire Council (Freedom of Information) [2024] VICmr 62 (3 October 2024)

This review concerned a Timber Harvest Plan that South Gippsland Shire Council (**the Agency**) exempted from release under section 34(1)(b) of the FOI Act.

The Public Access Deputy Commissioner was satisfied that the Timber Harvest Plan was acquired from a business undertaking and that certain information within the plan related to matters of a business nature. However, the Public Access Deputy Commissioner was not satisfied that disclosing the Timber Harvest Plan would be likely to expose the business undertaking unreasonably to disadvantage for the following reasons:

- It contained very little information about the business undertaking and therefore its disclosure would not cause substantial harm or lead to unwarranted conclusions about the business undertaking's business affairs.
- Most of the information about the location, roads and maps of the parcel of land was publicly available. Therefore, disclosing the intended haulage path would not impact public safety or the business undertaking as it was information that could be determined by any member of the public.
- Noting the document was dated, the disclosure of the planned volume of the harvest would not have any impact on the business undertaking, including to its competitive position.

Accordingly, the Public Access Deputy Commissioner was satisfied that the Timber Harvest Plan was not exempt from release under section 34(1)(b) of the FOI Act.

Latest VCAT review decisions

Department of Education v Wilson [2025] VCAT 1006

The request was for documents that outline the individual condition score of every government school in Victoria. The Agency initially refused access under section 28(1)(ba), then after review was sought at OVIC made a fresh decision relying on sections 30 and 28(1)(c). OVIC was not satisfied the exemptions applied and released the documents in full (Our ref: C/24/00942). The Agency sought appeal. At VCAT they only relied on section 30.

The Agency argued that disclosure would be contrary to public interest because the public would infer that the score represents a reliable indicator of the condition of schools which could enable a comparison and ranking of schools, which would impact enrolment decisions by parents, which could distort school funding.

Member Boddison did not agree that disclosure would be contrary to public interest. She considered that the document was not one that required confidentiality to promote the giving of full and frank advice in government decision making and it was not of a sensitive or contentious nature. It was additionally not a preliminary draft of a report. She was also not satisfied there was a real risk it would influence enrolment decisions, the evidence provided by the Agency was speculative and it was apparent there are many factors that go into enrolment decisions.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Miglani v Victoria Police [2025] VCAT 1012

The Applicant requested evidence of age of a victim against which he had perpetrated a sexual assault in 2019 in the form of a birth certificate or other legal document. He submitted he required this because he said the summary of the charges was different on the County Court Result of Appeal to how it appeared on the Magistrate's Court Order. The difference was important to him as his bridging visa had been refused due to the reference to a Class 2 offence in the County Court.

conjunction with section 4(1A) of the Judicial Proceedings Reports Act 1958 (JPR Act). The Applicant sought review at OVIC, where the APADC confirmed the Agency's decision, then sought review at VCAT.

Member Lethlean set out the requirements of section 25A(5) and first considered whether the documents described in the request would be exempt. She found that disclosure of a birth certificate would involve the disclosure of a person's personal information and that that disclosure would be unreasonable because:

- The personal information is that of a victim of crime;
- The information (if it existed) was obtained during investigation of sexual assault;
- Disclosure would cause distress to the victim; and
- The victim would be likely to object

Member Lethlean then considered whether the documents would be exempt under section 38 in conjunction with section 4(1A) of the JPR Act. She found that section 4(1A) of the JPR Act is a section 38 provision as it applies specifically to information contained in documents being sought, being matter that contains any particulars likely to lead to the identification of a victim of a sexual offence; the documents would contain that information, and no exceptions to section 4(1A) apply.

Member Lethlean found that the Applicant would not wish to have access to edited copies of documents.

The Agency's decision was confirmed.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Kirkham v Office of the Victorian Information Commissioner [2025] VCAT 1031

The Applicant made a request for copies of reports of redaction errors made to the Agency in 2022 including the name of the public authority and any response of the Agency. The Agency refused access under section 38 of the FOI Act in conjunction with section 120 of the Privacy and Data Protection Act (PDP Act) which prohibits the disclosure of information about an individual or organisation obtained or received by the Agency while performing its functions.

Member Cohen found that section 120 of the PDP Act is a section 38 provision as it fulfilled the requirements of section 38, and then found that each of the redaction notifications was received by OVIC while performing its functions under the PDP Act and contained information about individuals and organisations.

Member Cohen then found that the public interest did not require release under section 50(4) and that it was not practicable to edit the document.

Davis v Department of Health [2026] VCAT 43

In this matter, the Applicant sought documents relating to the Operation Daintree report from the Department of Health. The Agency decided that the Act did not apply due to section 194 of the IBAC Act. The Applicant sought review at OVIC (Our ref: C/24/00988) and then went to VCAT on OVIC's deemed refusal.

For context, Operation Daintree was an investigation into the grant of a contract to provide training on occupational violence and aggression.

Five documents were in dispute, four were found to be outside of the Act due to section 194 of the IBAC Act. DP Proctor made the following observations about section 194:

- Even where a report has been presented to Parliament, this does not affect the operation of section 194 IBAC Act
- Section 194 does not include a requirement that the documents 'prejudice' an investigation nor that the investigation be ongoing
- Other concerns such as the documents being released because their existence is not surprising and nothing in them would undermine the investigation are not relevant
- It is Parliament's intention that these documents be forever sealed

Document 5 (a ministerial briefing) was not excluded by way of section 194 as it did not to a material extent disclose information that is not in the public domain including available in the report. Much of the information in the document had been disclosed in the report. DP Proctor directed the Agency to make a decision in relation to this document under the FOI Act.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Davis v Department of Energy, Environment and Climate Action [2026] VCAT 41

The Agency published a Regulatory Impact Statement (RIS) assessing the impact of amending the Residential Tenancies Regulations and Residential Tenancies (Rooming House Standards) Regulations to introduce minimum energy efficiency and safety standards. The Agency engaged Deloitte to prepare the RIS and they prepared five spreadsheets for the purpose of a cost benefit analysis.

The Applicant requested access to the modelling and the Agency refused access under sections 34(1)(a) and 34(1)(b). The Applicant sought review at OVIC (our ref: C/25/00314).

Ltd v Department of Community Services and Health (1987) 13 ALD 558. The trade secrets included the methodology and formulae in the documents and the selection and use of inputs including information from secondary sources. The methodology had been developed over a number of years and Deloitte took steps to ensure the documents remained confidential. The documents were exempt under 34(1)(a).

Member Cohen also found the documents would be exempt under 34(1)(b) because the information was confidential and it could not be disclosed without causing harm to Deloitte. It was also relevant that the RIS contained the outputs, the spreadsheets had been reviewed by the Agency and that it is not conventional for spreadsheets to be made available.

The public interest override was not invoked because the RIS already provides significant information and had already been certified by Better Regulation Victoria. It was also not practicable to provide edited copies of the documents.

Member Cohen affirmed OVIC's deemed refusal.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Knight v Department of Justice and Community Safety [2026] VCAT 58

The Applicant sought a High Intensity Violence Intervention Program Report relating to his completion of that program. The Agency granted partial access to one page and refused access to the rest under sections 30(1), 31(1)(a), 33(1) and 38.

The Applicant sought review at the then Freedom of Information Commissioner. FOIC refused access under section 38 to the whole report. The Applicant then sought review at VCAT.

Because the Applicant had been declared a vexatious litigant, he had to seek leave to appeal this decision from the Supreme Court. The Supreme Court granted leave in December 2016, finding that this application was not vexatious.

DP Proctor agreed that the report is exempt under section 38 in conjunction with section 104ZZA because it contains personal affairs information as defined in section 104ZY being:

- Information given to the board that is not disclosed in a decision of the Board or in any reasons given by the board;
- Information that identifies persons; and
- Information that concerns the management of prisons, being the format and methodology used in such reports.

It was not practicable to edit the document and the public interest override did not apply.



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